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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

TRACI A.,

Petitioner,

v.

THE SUPERIOR COURT OF SONOMA
COUNTY,

Respondent;

SONOMA COUNTY DEPARTMENT OF
HUMAN SERVICES,

Real Party in Interest.

A108782

(Sonoma County
Super. Ct. No. 1830-DEP)

Traci A. has filed a petition for an extraordinary writ pursuant to rule 38.1 of the California Rules of Court to overturn the order of the juvenile court terminating reunification services and setting a hearing pursuant to Welfare and Institutions Code section 366.26¹ to terminate her parental rights as to her son Anthony A. Petitioner attacks the court's findings that she received reasonable reunification services and there was no substantial probability that Anthony could be returned to her within six months if additional services were provided. We find these claims to be without merit and therefore deny the petition on its merits.

¹ All further statutory references are to the Welfare and Institutions Code.

BACKGROUND

In January of 2004, while petitioner was in the county jail, real party in interest Sonoma County Department of Human Services (RPI) filed a petition pursuant to section 300 in which it was alleged that petitioner (and the minor's father, who is not a party to this proceeding) had an extensive history of substance abuse and domestic violence that rendered her unable to provide protection and regular care to Anthony.² The day after the petition was filed, the juvenile court ordered Anthony detained and placed in temporary foster care. On March 3, petitioner admitted the allegations of the petition, following which Anthony was declared a dependent child, and reunification services were ordered. The six-month review was scheduled for September 2.

The review hearing was continued several times until December 8. By that time the court had received the social worker's status review report dated August 23 and an addendum to that report dated September 20, which was received in evidence at the start of the hearing. They showed that Anthony was living with and doing well with relatives, who "stated that they would adopt Anthony if he cannot be returned to the care of his mother." In her status review, the social worker noted it was virtually impossible that Anthony could be reunited with his father by the time of the 12-month review, but this was not the case with petitioner: "There is a better possibility of the minor returning to the care of his mother by or before the date of the twelve-month review. Anthony cannot be returned to the mother at this time because she is in early recovery from substance abuse and is only in the initial stages of dealing with the seriousness of the violence in her relationships."

The social worker detailed the reunification services offered by RPI: petitioner was "provided or offered . . . referrals for parenting education, substance abuse treatment and testing, psychological services, anger management, transportation assistance, and visitation arrangements. Information about the Family Support Division was also

² This was the fifth time Anthony's situation had been referred to RPI, but the first time a dependency petition had been filed.

provided. Social Workers met with [petitioner] on February 25, February 26, March 15, March 18, April 23, May 28, June 10, July 8, and August 20, 2004.”

After detailing that petitioner was complying with the requirements of her case plan, the social worker provided her assessment and evaluation: “Anthony needs to live in a home that is free of the violence and substance abuse that characterizes his parents’ relationship. Parents who are consumed with drug use or who are engaged in constant combat with each other cannot meet this young child’s needs.

“[Petitioner] has complied with many aspects of her case plan. The mother has attended meetings as requested and has even demonstrated that she can incorporate some of the information into her life. [Petitioner] seems to enjoy the parenting courses she takes and uses the information she learns to provide better care for Anthony.

“However, [petitioner] does not seem to grasp the importance of honestly acknowledging the threat that her substance abuse and violent relationship presents for her child. [Petitioner] admits to using drugs for half of her life. In order to successfully parent Anthony, [petitioner] needs to demonstrate a good foundation in her recovery and not just attend meetings that are a required part of her case plan. [Petitioner] needs to show that she is actively involved in creating a new lifestyle that supports her positive growth. She needs to form relationships with other recovering people who understand the difficulties she faces, instead of continuing to socialize with people with whom she used drugs.

“[Petitioner] also needs to demonstrate more responsibility for herself. Her parents’ support allows [petitioner] not to have to depend on herself. [Petitioner] lives with her mother and is employed by her father. Both of her parents are aware of [RPI’s] involvement and try to help [petitioner] by providing her with housing and income. However, unless [petitioner] plans to depend on her parents for the long-term, she needs to begin the process of standing on her own. She has already taken one step by enrolling in a class that may lead the mother into a career in real estate, which she desires.

“[Petitioner] seems to have had difficulty understanding why a relationship with [Anthony’s father] poses a threat to Anthony’s safety, as well as her own. She seems to

have become dependent on the emotional attachment she has with [Anthony's father]. This is another area where the mother needs to increase her ability to be independent."

The social worker concluded her status review by recommending that additional services be provided to petitioner. By the time she submitted her addendum four months later, the social worker's opinion had undergone a dramatic change.

The social worker reported that on the same day she sent her status review to the court, petitioner had failed a drug test; however, petitioner "denied a relapse. [Petitioner] told this worker that she has not used illegal drugs and that she does not know why her test results were positive for methamphetamine [Petitioner] explained that prior to the drug test, she had taken a non-prescription cold medication because she had been sick." In her updated assessment and evaluation, the social worker now advised the court:

"Since the recent court report [i.e., the status review] was written, [petitioner] has continued to comply with her family reunification case plan. Yet, as previously mentioned in the six-month review report, [petitioner] has not seemed to grasp the importance of honestly acknowledging the potential danger created by her substance abuse. [Petitioner] has a very significant substance abuse history, which requires diligence and determination to overcome. [Petitioner] seems to be putting effort into achieving sobriety, but she does not seem to be making the necessary steps to truly change her life in a timely manner.

"[Petitioner] has stated that she has had some emotional challenges in the last several months. She was very disheartened by the fact that Anthony would not be returned to her care on the date of the six-month review hearing. [Petitioner] also faced emotional issues regarding her relationship with [Anthony's father]. It seems that [petitioner] turned to drugs during a difficult time, which would be understandable for someone in early recovery from substance abuse. However, [petitioner] has not admitted to making a mistake and therefore cannot honestly address this issue.

"[Petitioner] also continues to face the challenge of refraining from violent, unhealthy relationships. It is impossible to determine how [petitioner] will react when

[Anthony's father] is released from jail, but she has only recently begun showing signs that she seriously wants to terminate that relationship.³ Still, [petitioner] is vulnerable to continuing to engage in violent relationships that threaten her sobriety and the well-being of her son. [¶] . . . Anthony . . . has already suffered from his parents' poor decision-making. This minor should be given the greatest opportunity to live a life that is not marred by substance abuse and violence. [Petitioner and Anthony's father] have not demonstrated that they are able to consider Anthony's needs above their own. Therefore, it is recommended that the Court terminate family reunification services for both parents and free Anthony . . . for adoption."

As for the hearing itself, petitioner was unable to attend because her residential treatment program did not allow patients to leave the premises for an initial period, which encompassed the hearing date. Petitioner's social worker testified that notwithstanding petitioner's enrollment in a treatment program (which the social worker helped arrange), she nevertheless recommended termination of reunification services because petitioner "is I think very, very early in her recovery and very early in even admitting to herself that she has a problem and confronting the issue." She reiterated that it was petitioner's inability to confront her addiction and "the challenge of refraining from violent unhealthy

³ At another point in her report, the social worker wrote: "The parents have reported that they are not involved in a relationship with each other, but they have remained in contact, despite a restraining order. In July 2004, [Anthony's father] reported to this worker that he and [petitioner] are in love and want to be a family with their baby. [Petitioner] denied [the father's] claims, but in August 2004, reported that she had been dishonest. She and [the father] had been exchanging letters in an attempt to work out the problems in their relationship. However, [petitioner] also reported that she believes that [the father] and his girlfriend have been harassing her by completing subscription cards for numerous magazines in her name. [Petitioner] stated that she finds such behavior vindictive and irritating. She has reported it to the police. [Petitioner] now states that she has no interest in having a relationship with [the father]." The social worker also reported that "[petitioner] has stated that she is tempted to continue her relationship with [the father], despite the fact she knew that the father was not participating in services to help resolve his anger and substance abuse issues.

relationships” which were dispositive.⁴ Counsel for RPI argued to the court that “based on the evidence . . . there is absolutely no basis to find [a] substantial probability that either of these parents would reunify with this very young child if offered an extended period of reunification [services].” Anthony’s counsel agreed with these remarks and with the social worker’s recommendations.

At the conclusion of the hearing the juvenile court ruled: “[RPI] has complied with the case plan by making reasonable efforts to make it possible for Anthony to be safely returned home as well as to complete the steps necessary to finalize his permanent placement. . . . [A]t this juncture there is not a substantial probability that with the continuation of services to [petitioner] . . . that this child will be returned to either parents’ physical custody during the extended service period. [¶] The finding of lack of substantial probability is based on the social worker’s report as well as the evidence presented today. . . . [¶] The extent of progress which [petitioner] has made toward alleviating or mitigating the causes necessitating placement at this point are minimal.” The court adopted the social worker’s recommendation and terminated reunification services to petitioner and scheduled a hearing to terminate her parental rights. This timely petition followed.

REVIEW

Petitioner first challenges the finding that she received reasonable reunification services. The adequacy of services is determined in light of the unique facts of each case. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1011; *Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158, 1164.) Services are not required to be ideal, only a good faith effort to provide services reasonably related to alleviating the parent’s or dependent child’s difficulties. (E.g., *In re Jasmon O.* (1994) 8 Cal.4th 398, 425; *In re Maria S.* (2000) 82 Cal.App.4th 1032, 1039; *In re Riva M.* (1991) 235 Cal.App.3d 403, 414-415.) The unique fact here is the emphasis the social worker paid to petitioner’s inability or unwillingness to break free of violence-laden relationships, particularly that with

⁴ The only other witness at the hearing was Anthony’s father.

Anthony's father. Petitioner submits RPI only referred her to an anger management course in May 2004, less than three months before the six-month review. Petitioner contends she "is entitled to an additional three months of domestic violence treatment."

Initially, it should be noted that Anthony was less than six months old when he was detained and first placed in foster care. This triggered a statutory command that "court-ordered services may not exceed a period of six months" (§ 361.5, subd. (a)(2)), but this deadline may be extended only if at the review hearing the court "finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent . . . within the extended time period or that reasonable services have not been provided to the parent" (*id.*, subd. (a)(3)).

Petitioner assumes that only the anger management course started in May would guide her in "refraining from violent, unhealthy relationships" (as the social worker phrased it). It does not appear that learning to control her temper was what concerned the social worker. What the social worker was communicating to the court in both the status review and the addendum was a more general psychological concern—petitioner's inability to recognize and avoid unhealthy relationships—particularly with Anthony's father—that were impeding her ability to conquer her addiction. That sort of assistance could also be a part of the "individual counseling" petitioner received from the Lomi Clinic, from the "ongoing counseling, which has been approved and paid for by [RPI]," and the "relapse prevention" and "denial management classes" arranged by RPI. Moreover, by the time the review hearing was actually held, in December, it was more than six months since the anger management course had commenced. It thus appears that petitioner had the benefit of more than two of the three additional months of this particular service she requested, without changing the social worker's opinion that petitioner was being exposed to information as to how to change her life, but was not internalizing that information. Moreover, petitioner never complained either to RPI or the juvenile court that she needed or desired additional services to address the problem identified by the social worker. Viewing this record most favorably to the court's finding

(e.g., *In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1361), we conclude it has substantial evidence that reasonable reunification services were provided.

Petitioner's second contention is that there is no substantial evidence to support the court's finding that Anthony could be safely returned to her care if reunification services were extended to 12 months. As noted above, it appears that petitioner received about eight months of services, yet the social worker's objections had not diminished but only became stronger following petitioner's "relapse" and attempt to rationalize her positive drug test. Nothing that happened in the seven weeks between her writing the addendum and her testifying at the hearing—during which period petitioner got into the residential treatment program—altered the social worker's opinion that further reunification services should not be offered. As she testified at the hearing, petitioner "is . . . very, very early in her recovery and very early in even admitting to herself that she has a problem." This testimony amounts to substantial evidence that petitioner was not likely to complete her recovery to the extent where Anthony could be entrusted to her care, if additional reunification services were provided.

The petition is denied on its merits. (§ 366.26, subd. (l)(1); Cal. Rules of Court, rule 38.1(h)(1).) This opinion is final forthwith. (Cal. Rules of Court, rule 24(b)(2)(A).)

Kay, P.J.

We concur:

Reardon, J.

Sepulveda, J.